

**REMARKS**

Claims 1-6, 8, 9, 11-25 and 28-34 were examined in a subject Office action dated September 26, 2007 and finally rejected. In response thereto, Applicants filed a Request for Continued Examination (RCE) on October 31, 2007 and are herein amending claims 1 4-6, 8, 9, 11, 12, 16, and 22, adding claim 35, and leaving claims 18-21, 23-25, and 28-32 currently pending in the subject application under active prosecution. Claims 2, 3, 7, 10, 13-15, 17, 26, 27, 33, and 34 are canceled. Applicants assert that the amendments are supported by the original specification and do not introduce new subject matter. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 1-12 Under 35 U.S.C. §101**

Claims 1-12 stand rejected under 35 U.S.C. §101 are directed to non-statutory subject matter insofar as hardware components were expected to be present in a system claim. Claim 1 has been amended to recite computer readable medium comprising the previously cited components, each component now further amended to recite that each causes a computer to perform the respective limitation. “[F]unctional descriptive material’ consists of data structures and computer programs which impart functionality when employed as a computer component. ... When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.” (*See MPEP §2106.01.*) As such, claims 1-12 are directed to statutory subject matter. Withdrawal of the rejection is respectfully requested.

**II. Rejection of Claims 1-12 Under 35 U.S.C. §112**

Claims 1-12 stand rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. The Examiner asserted: “In a system claim, hardware components are expected. Therefore, even if the claimed components are considered functional, they would not be statutory

because none of components are specifically tied to a system (hardware device).” The Examiner cited MPEP §2172.01 for authority for the claiming being incomplete for omitting essential structural cooperative relationship of elements.

Although a citation has not been given for the necessity of interpreting “system” as requiring hardware, in addition to now reciting a hardware limitation of computer readable media, claims 1-12 have been amended to recite an “apparatus” rather than a system. The functional limitations should be given patentable weight and their interconnectiveness given consideration, as in an analogous situation discussed in *MPEP §2106.01(III)(B)*:

For example, a claimed invention may be a combination of devices that appear to be directed to a machine and one or more steps of the functions performed by the machine. Such instances of mixed attributes, although potentially confusing as to which category of patentable subject matter the claim belongs, does not affect the analysis to be performed by USPTO personnel. Note that an apparatus claim with process steps is not classified as a “hybrid” claim; instead, it is simply an apparatus claim including functional limitations. See, e.g., R.A.C.C. Indus. v. Stun-Tech, Inc., 178 F.3d 1309 (Fed. Cir. 1998) (unpublished).

Withdrawal of the rejection under §112 is requested.

### **III. Rejection of Claims 33-34 Under 35 U.S.C. §112**

Claims 33-34 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 33-34 have been canceled, obviating the rejection.

### **IV. Rejection of Claims 1-6, 8-9, 11-25 and 33-34 Under 35 U.S.C. §102(b)**

Claims 1-6, 8-9, 11-25 and 33-34 stand rejected under 35 U.S.C. §102(b) as being anticipated by Acton, *et al.* (6,209,040). It is respectfully submitted that this rejection

should be withdrawn for at least the following reasons. Acton does not teach or suggest each and every limitation of appellants' claimed invention.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting Verdgaal Bros., Inc. v. Union Oil Co., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Turning to independent claim 1, the claim recites in part a language component for causing a computer to receive a user input expression comprising comprehension notations by specifying a *user-definable type or class as part of a generalized comprehension* that appears as an outside operator to a fixed or static comprehension, enabling programming of comprehension notations in the imperative language and an *interface component* for causing the computer to describe a meaning of the comprehension by associating the user-definable type or class with an interface that implements the class, defining methods for the interface in order to supply desired functionality for the class, and by applying the class and associated interface in an exterior manner to a list or fixed comprehension function.

In maintaining the rejection of claim 1 based upon Acton, the Examiner made this assertion in the subject Office action:

The applicant claims that Acton does not teach comprehension notation; however, the applicant's comprehension notations is considered merely descriptive material. This is evidenced by its definitions in the applicant's abstract as having user defined types representing comprehension.

Therefore, Acton provides for this feature via his abstract class, which requires user defined information to enable implementation, see col. 3 lines 52-57. Also, see col. 6 lines 11-16, which allows defining and accessing type information.

The Examiner acknowledges that Acton does not teach comprehension notation.

Applicants assert that the claimed limitations include an interface component that implements a generalized comprehension notation in an imperative language. The interface is not user defined and thus the Examiner is over generalizing what is described in the Abstract rather than construing the claim limitations as supported by the original Specification. Reconsideration and allowance is respectfully requested for claim 1, as well as claims 4-6, 8-9, 11, 12, 22-26, and 28-32 that depend therefrom.

Similarly, claim 16 that also recites an interface that implements a generalized comprehension in an imperative language should be reconsidered and allowed, as well as claims 18-21 that depend therefrom.

**V. Rejection of Claims 26-32 Under 35 U.S.C. §103(a)**

Claims 26-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Acton in view of the applicant's choice of selection of a specific program, with its inherent functions, to develop his interface. Claims 26-27 have been canceled.

Applicants assert that claims 28-32 do not recite a selection of a specific program and as such the rejection is not proper. Moreover, each of these claims depend from a claim amended to clarify distinguishing features over the cited references and for at least the same reasons should be allowed.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,  
AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/  
Himanshu S. Amin  
Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731